

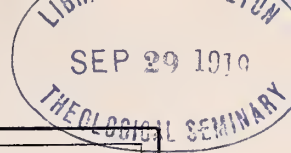
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America Can't Quit

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AMERICA CAN'T QUIT

By

WILLIAM HOWARD TAFT ✓

Ex-President of the United States

An Address on the League of Nations Delivered
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THERE is a great deal of misconception as to what brought about this League of Nations. It has been said to be a fad of Mr. Wilson's; it has been said that he surrendered things in the treaty in order to carry out his fad. That is great error. Mr. Wilson has not always been in favor of the League; neither has Mr. Lloyd George; neither has M. Clemenceau.

The truth is that this League was incorporated in the treaty because the plain people of Great Britain and of France and of Italy demanded a league of nations as machinery by which this might be made, as nearly as possible, the last war. That feeling grew as the morale weakened in those countries, and the morale was stiffened by those among the plain people who urged that the introduction of a League of Nations would make war in the future improbable, and that they ought to make the effort to win the war because by so doing, and through a league of nations, they could accomplish a purpose justifying the enormous sacrifices that the continuance of the war would involve. This is why the first resolution passed by the conference was that "Not only must there be a league of nations, but it must be the first thing considered, it must be an indispensable part of the treaty." All this came because of the knowledge of M. Clemenceau, Signor Orlando and Mr. Lloyd George that the plain people of those countries demanded such machinery. If it is adopted it will furnish one more instance of the common sense of the plain people that justifies a step forward which statesmen and halting philosophers are afraid to undertake.

Women, Working People, Churches

The women in the country are in favor of the League. The working men are in favor of the League. The churches are in favor of the League. Why? Because they fully understand its provisions? No, but because they believe that it is a sincere effort to unite the forces

of all the nations of the world to prevent war as far as possible, and they are willing to undertake the experiment.

The League is a part of a treaty. Its constitutional validity, so far as we are especially concerned, depends on the question, What is the scope of the treaty-making power?

Now whether the League be constitutional, or not, depends upon the construction that should be put upon it. The objectors to the League, many of them, say that it creates a super-sovereignty, an over-government, a managing directorate to which are delegated powers that can only be exercised under our constitution by Congress. There might be such a league; there might be a league such as France desired to have in which there should be a managing directorate with a chief of police, so to speak, under that directorate, with a million men in the police force, so that Chief of Police Foch, hearing of a disturbance in one part of the globe, could send word by cable to his superintendent there, "Take twenty thousand men, go over and suppress that disturbance, and put out the fire."

France was anxious to have it, because France wanted an arrangement by which Foch could order to the German frontier at once, on any threat of German attack upon France, half a million men, and her delegates argued strenuously before the Conference in favor of such an arrangement.

But the other nations declined, and our representatives declined, because they said, "Not only do we object on the ground of expediency to parting with sovereignty such as that would be, but we have not the power under our constitution."

A Partnership Agreement

The league which I have described is not the League that is now presented for our consideration and adoption. What is it? It is only a partnership agreement. It is an agreement in which the partners agree to coöperate. It is written in the covenant what they shall do under the obligations so described. The circumstances under which those obligations arose are stated in the covenant; and it is for each member of the League necessarily to construe its own obligation, to determine how that obligation shall be performed, and then to perform it, itself, and not through any agency except its constitutional and normal agency to do the thing which it has agreed to do. I think if you will study the League, you will find that that is the condition. It

is said that the council is the managing body, that it is the super-sovereign. There is no function to be performed by the council that is not advisory. The expression "to deal with" occurs once or twice, but you will find that expression refers rather to the scope of the subject matter to be considered in the meeting, of which all members must take notice so as to be there, and that the description of the functions of the council itself is contained in the words "recommend," "advise," and "propose."

Upon those words and the construction of those words must depend what the function of the council is. Those who object on the ground that that is super-sovereignty maintain that "recommend" means "command," that "advise" means "direct" and that "propose" means to "order." I submit on the face of it that that is a strained construction of the words, and that nothing but a most unusual context in each case would justify such a misinterpretation of the words according to their ordinary meaning. And when you consider that this League is a league not under a supreme court which has the power over every member to compel it to render its affirmative duty, but that this must depend on the spirit of coöperation, and that each nation must determine for itself its meaning, its construction by us will certainly be reasonable.

Why, these gentlemen discuss this as if they were going before a hostile supreme court and they seek for strained constructions to impose them on the United States. No secretary of state would accept for a minute the view, when it would be presented to him, that the word "recommend" means "command," when a council would recommend a course of action. He would reject such a view without the slightest hesitation.

"Recommend" means a suggestion to be accepted or rejected. "Advice" means something to be accepted or rejected. And when you take away that foundation, the whole structure of the argument as to super-sovereignty fails and fails utterly.

The council consist of nine members, selected, five of them by the great powers: Great Britain, France, Italy, Japan and the United States; and four of them by countries to be selected by the assembly. The assembly is a convention of the League, with delegates, one, two or three, from each country; but whether one, two or three, with only one vote. The assembly has three functions; one is to elect non-members by a two-thirds vote to membership; the second is to act in place of the council in conciliation, and recommending a settlement or com-

promise; the third is to advise the nations whether their treaties are in accord with the obligations of the League, or not. Those are the three principal functions of the assembly.

Fantastic Objections

Now, I wish to call your attention to that organization in order to take up some of the more fantastic objections to the League, the character of which is such as to indicate a poverty of objection. I do not mean to say there are not sincere arguments against the league—sincerely made—but I do mean to say that the character of a number of objections is such as to indicate an absence of material.

For instance, the first is that we could be called in to help Great Britain suppress an Irish rebellion. Why? Under Article X it is provided that all members shall preserve against external aggression the territorial integrity and existing political independence of the members of the League. That means aggression by foreign countries. Therefore, the suppression of a rebellion does not come within Article X, nor within any other article of the League. If a country has a revolution, it can attend to it, itself. If the party which institutes the revolution succeeds, it will be recognized, as other nations who were created thus (who have succeeded) have been recognized by other countries, and then they will be admitted into the League. That objection is made not out of careful and kind consideration for the Irish, but with a view to arousing their votes against the League.

Such a motive leads to the perversion of much logic.

The second objection is one that was discovered and shown by somebody "from Missouri" that there are more brown, black and yellow people in the world than there are whites; and that, as this is a convention of all the nations, a league of all nations, there will be more variegated colored constituents than there are whites; and that in some way or another, which he does not explain, we are going to have Negro domination; that the Negroes of South Africa will unite with the Negroes of Panama, and then the Yellows, the four hundred million of China, and the three hundred million of India, will all unite, and then we are going to be made brown, black or yellow, or come under that domination. It is not explained how. It is not suggested how that conspiracy is to be formed, or, when formed, how it is to work out under the provisions of the League.

I have told you what the assembly can do. It can elect new mem-

bers. It can recommend a settlement, and it can advise as to the inconsistency between treaties and the obligations of the League. Now, how, under that machinery, are those colored gentlemen going to obtain the tyranny that the gentlemen from Missouri has shown? What is the object of such a speech? It is to stir up the Southern constituencies who are sensitive on the subject of Negro domination, and have them write their senators who have indicated a purpose to support the League, so they may be induced to vote against it.

"A Catholic Conspiracy"!

Then the third objection is the dreadful disclosure that the League is a Catholic conspiracy for the purpose of giving the Pope temporal power over us all. This diligent gentleman in hunting objections has counted the nations and found that there are more Catholic nations than Protestant, and they were going to give the Pope world power. Just how it is to be worked out, he does not explain.—The Pope is not a member of the League, cannot be elected a member of the League. And even if he could be it is a little difficult to see how he could gain any temporal power thereby. The recommendations of settlement of disputes under the League have to be made by the unanimous judgment of the council, and, if you appeal to the assembly, both by the unanimous judgment of the countries whose representatives constitute the council, and a majority of the other members of the League. Suppose the Pope were in a dispute seeking temporal power. Consider the Council on this issue. There is the United States. How much danger is there that the United States will insist on the temporal power of the Pope?

Then take France. France has been at odds with the Church for twenty-five years, and does not admit the Church in any way into its government.

Then take England. England's king loses his throne if he becomes Roman Catholic.

Then take Japan. She is Shintoist and Buddhist. She is very likely to vote for the temporal power of the Pope!

And Italy. Italy has been for half a century—ever since it was a united nation—keeping the Pope out of temporal power.

There you have the unanimous vote of the Council against such moonshine—for that is all it amounts to.

Treaty-Making Power

What is the treaty-making power? It seems to me that there is a great misconception of its scope. There are many who argue that the treaty-making power may not extend to promises of what Congress is to do. That is the argument. Now, the treaty-making power is not a performing power. It is a promising power. When the government promises to another nation by contract, it is the treaty-making power that acts for the government and is the government. The promises to be performed are generally promises that can be performed only by Congress. Now, is it possible that the treaty-making power may not make a contract for the government to do a thing which it is for Congress to do under the Constitution? If that be true, then we cannot make treaties at all. There is no use having the treaty-making power, if that is true. Then the United States cannot promise, as it has promised time after time, to pay money, because Congress has to appropriate it when the payment is due.

That question was raised with respect to the Jay Treaty. After the Jay Treaty had been made, Congress demanded the letters between Washington and Jay as to the Treaty in order that it might investigate the Jay Treaty. Washington said No, the treaty-making power has bound you to make certain payments; that is your obligation; you are not part of the treaty-making power; therefore, you are not entitled to go to the foundations of that treaty. And Congress passed a resolution, called the "Blunt Resolution," in which it "resolved" that it was entitled to consider the Treaty—but she paid the money without getting the letters.

Now, I appeal to you, because this is a fundamental distinction, that the treaty-making power is the promising power so far as other nations are concerned. Congress may join that promise, but it does not add any constitutional validity or strength to the promise because one congress cannot bind another congress to a policy unless it has the promising power. Under the Constitution, the President and the Senate,—two-thirds—have the promising power. Now that means the promising power for this government, and that means that when this government is bound by that promise, then it must be performed by Congress.

Ah but, you say, that limits the constitutional discretion of Congress. It does in this sense, that Congress is under a moral and legal obligation to do the thing that honor and legal obligation require, but Congress represents the government and has the sovereignty of the

government placed in it, and one of the evidences of that sovereignty is the power to do the wrong thing, is the power to dishonor its obligation legally made. That choice of right or wrong is what constitutes freedom and sovereignty, but it does not render invalid the original obligation entered into ^{as} the constitution directs, by the power given in the Constitution to promise and contract for the government with foreign nations.

No Power to Compel Congress

Therefore, what we do here is to enter into this covenant and promise and contract that under certain conditions, we will do certain things; and Congress is in honor and legally bound to do them but there is no power to compel Congress to do anything; it may do what it chooses, and it may dishonor that obligation, but that does not render the original promise or treaty that we propose to make invalid, any more than when a man lets his note go to protest, he can plead that the note was invalid because he could let it go to protest. And when you get that fundamental conception, then you see how erroneous is the view that a treaty like this is invalid because honor and law—international law limits the power of Congress to do what it may do, although it cannot be prevented from doing as it chooses within its constitutional discretion. Unless you follow that course of reasoning, there was no need of making a treaty-making power, because the treaty-making power could not contract for anything, as Congress is with few exceptions the only performing power under the Constitution.

Reduction of Armaments

What is the object of this League and what does it propose to do? The object is to avoid war as far as possible. It is to make peace as permanent as it can be made. How does it do it? Why, it does it by four great steps. The first is Article VIII. Article VIII is the armament article. It declares it to be in the interest of peace that there should be a reduction of all the armaments of the world as far as possible, consistent with national safety and the obligations of the League. It directs the Council to prepare a plan for that reduction and the Council is to take a military commission to assist it. The Council then takes up the matter of receiving information which the nations covenant to give as to all existing armaments. Then the council makes the plan, reduces the armament and fixes the limit for each country.

That plan, when completed, is submitted to all the governments. Each government studies it with a view to its own limitations, and its own limitations with respect to the limitations of other countries. It argues out the question, and negotiates, and finally a voluntary agreement is reached. When that voluntary agreement is reached with a limitation for each nation proportionate to its needs, then the countries covenant to keep within that limit for not more than ten years, there being a revision before the end of ten years. Now, if during that time any contingency requires the increase of the limit of any nation, the Council has authority to increase it. That is a means of meeting emergencies. On the other hand, there is a check against disproportionate increase, for that Council acts unanimously; and as we have a member on that Council, no limit can be increased except by our consent.

What is the objection to this? It is said that this will paralyze our arm of defense, subject our homes and firesides and free institutions to destruction, and lay us naked to our enemies. That is eloquent, but there is not a scintilla of fact to sustain it, not a scintilla.

We agree to limit our armament in consideration of every other country limiting its armament. Is not that fair? Instead of meeting the danger there may be from other nations by increasing our armament, we meet it by keeping down the armament of the others under agreement. If two men meet and you take away both revolvers and they go at each other with fists and punch eyes and noses and solar plexuses—isn't that fair? And it has the advantage of there being no mortality.

That is what this plan is. It is a reduction of the armament, so that the armament shall be defensive and not offensive, so it shall contain no temptation to war. Therefore, while we may be said to lay ourselves naked to our enemies, they lay themselves naked to us. In other words, the convention is only an ordinary agreement as to style or latitude in dress—war dress. That is all it is. But this is most important. This whole war in its character of human disaster has come from race for armament. It began away back with Bismarck in the development of Prussia into the German Empire, when he said he would do it by blood and iron. He fought the Danish war and increased his army. He fought the Austrian war and strengthened his army. He fought the French war and then he united the German states into one government under the Empire.

One Cause of the War

The Kaiser had the dream of universal dominion, and to assist him in that he took this wonderful military establishment and enlarged it and that enlargement went on from year to year, conscription of two years for all the youth of the Empire, with a reserve of these trained soldiers after that service by for six or seven years in addition. Strategic railways, great manufacture of ammunition, artillery, small arms, explosives, everything that science could suggest, or experience dictate with reference to making that military establishment the strongest in the world. The Germans stimulated action in their allies, Austria and Italy; conscription went on in both those countries. France and Russia were aroused for fear of aggression, and so they went on year after year and decade after decade until in 1914 these armaments had reached an enormous figure, far beyond anything ever contemplated.

That brought about the war. Its evil effects were four-fold. It loaded the poor people of Europe with overwhelming taxation. It took out of the life of all the youth two or three years of their producing capacity. It gave a truculence, a chip-on-the-shoulder disposition and temptation to war, a bullying tendency to the Kaiser, who felt the strength of this military establishment so that when he went into conference with other nations and came out winner, he told his people that he won by standing forth in shining armour, by rattling his sword in its scabbard. And when 1914 came, he had won in the race. Russia had not completed her strategic railways, France had not completed her plan of artillery or conscription. And he said, "Now is the time to strike. Our enemies are in condition where we can strike them and win." And when the Serbian difficulty came on he told the Emperor, Francis Joseph, "I will go north on a vacation, apparently, and then you put in the ultimatum and when I hear of it I will be surprised and I will hurry back," and he did. "But," he said, "No conference with other nations." And there was none. And war was on.

Savagery of War

It brought on the war, this race for armament. And the worst feature of that enormous armament was the character of the campaign that it brought about. Never in history have we had, since the days of Attila, the Hun, such savagery; instruments of destruction were directed not against armies only, but against old men, against women and against children. Explosives, dropped from the clouds, made no discrimination between combatants and non-combatants. Explosives

from the bottom of the sea destroyed innocent people on the sea who had a right to be there, men, women and children—non-combatants. All grew out of the great enormous armament. And then the devastation of the countries—for it was a devastation of peoples and of countries. The northern part of France, its great manufacturing centers, were absolutely destroyed and the mines have been so injured that it will take fifteen years' compensation by the use of other mines to enable France to pull herself together again. Machinery was stolen from Belgium in order to interfere with her industrial future, so that when these nations were conquered, not only would their armies be conquered but their commercial supremacy would be injured and their power of competition would be forever destroyed. The destruction of trees and houses in the country has no parallel. That is all due to the enormous scope of the armament and the opportunity for destruction that that armament gave.

Is there a man or woman with soul so dead to the welfare of mankind, of his own people and of the nations of the world, that does not long for some means of preventing a recurrence of that awful race for armament which is the inevitable alternative unless we adopt some means of stopping it?

You can't help it. Among the Allies, if you have no League, if there is no obligation of this kind, each nation will naturally, and ought to, turn to the question of its preservation by insurance of its safety—and that means armament. And when each nation arms, each other nation watches it, because that nation may be its enemy in the future. It can take no chances. Therefore the race begins at once—innocently, but in the end it goes on from year to year. This race that we have had went on for four decades and the dreary round of cause and effect will go on, it will go on more quickly than before, because if we are to have no League the nations will begin at once and then we will see the race has begun with its inevitable consequences.

The Example of Germany

This has long been seen. Why, even the poor Emperor of Russia saw what the result was likely to be. A number of years ago—he called the Hague Conference for the purpose of arranging machinery to prevent future wars, and the first heading that he made was "The limit of armament." Why wasn't it put through? Because Germany strode into that conference with mailed fist and said, "If you discuss the limit of armament, I withdraw from the Conference." Now these gentlemen who object to this Article VIII would have us play the part

in this Conference that Germany played in that. Do you like the example? Do you like the leadership? Isn't it absurd for us to object to limitation of armament under these conditions when the nations on the other side are willing to have a limit of armament? They are near the possible center of disturbance, yet they are willing sincerely and honestly to enter into such an arrangement; we have the Atlantic ocean between us and them, and yet we are not going to "lay ourselves naked to our enemies" by any such limit. And it is a bit humorous for us to get excited about this. We have lived as a nation for one hundred twenty-five years, and never in the history of that nation, except in time of war have we had adequate armament even to do the police duty of the nation. Between the Civil war and the Spanish war we had our regular army, for one hundred million people, between the Atlantic and Pacific oceans, a domain reaching from Canada to the Gulf, an army limited to twenty-five thousand men—less than a single division that we sent over to this war. Do you think that was "laying ourselves naked to our enemies?" Then it was increased to one hundred thousand—that is, it was given to the President to increase the number of the army within one hundred thousand, but we never could get it to one hundred thousand because Congress would not appropriate the money for the purpose. I have been President of the United States, and I have been Secretary of War, and I know what I am talking about. I think we have been inadequate in our armaments.

But how does it work? Why, you get a Congress that has some vision, and it tries to make some preparation, and it votes some appropriation that increases taxation, and the members who voted go home and find perspiring patriots who are willing to take the place of those gentlemen who voted for that preparation, by agreeing not to vote for future appropriations. And very often the gentlemen who voted for the appropriation are left at home to contemplate the grandeur of their action.

Therefore, what I venture to say is that when this limit is fixed in a League of Nations—and it will be liberal because the nations on the other side are not afraid of us, they are quite willing to have us have enough to comply with the obligations of the League—and although I am neither a prophet nor the son of a prophet, I venture to say that when that limit is fixed, except in time of war Congress won't come within gunshot of the limit.

Constitutionality

Then it is said to be unconstitutional. Why? I don't know. One of the embarrassments in court when you say a thing is unconstitutional is that you have to point out the verse and line of the Constitution that is violated; but you don't have to do that either on the stump or in the Senate.

Now is it within the treaty-making power to limit armament? Well, what is the scope of the treaty-making power? The Supreme Court of the United States is fairly good authority on that subject, and it has held that the treaty-making power is one of very wide scope. It may even suspend state statutes and thus transcend stations between congressional action and that of state legislatures. It may cover, as Mr. Justice Field said in *Geoffroy vs. Riggs*, it may cover the usual subject matter of treaties between nations except that it may not change the form of government, it may not agree to do things forbidden by the Constitution and it may not cede land belonging to a state without the consent of the state.

The limitation of armament is one of the most frequent subject matters of peace treaties. Indeed, this very peace treaty, that does not seem to be objected to by the objectors in the Senate, contains a very lengthy chapter on the limitation of the armament of Germany, showing that it is a frequent subject matter of peace treaties. Therefore, according to the definition of the Supreme Court, the limitation of our armament comes directly within the treaty-making power. More than that, in 1817, we made a treaty with Great Britain in which we agreed not to put naval armament on the Great Lakes if Great Britain agreed not to do so, and she did. I see the same gentleman objects to that as a treaty because he says it did not amount to much. Well, it was an agreement with another nation signed by the executive and confirmed by two thirds of the Senate and my recollection is that that makes a treaty. That provided, as I say, a limitation of armament, and it provided that we might withdraw from it on notice, but that doesn't prevent it being a treaty, and if you can make a treaty for two years, you can make it for ten. As a matter of fact, we have kept that treaty for one hundred years or more; we were glad when we made it and we have been glad ever since. We celebrated the centenary of peace in 1914 and the oratorical periods—I remember, I made some of them myself—referred to the wonderful fact that under an agreement made at that time we had allowed that border of four thousand miles, and especially the Great Lakes, to be utterly undefended; and we pointed to

that as an illustration of what might happen between reasonable nations to avoid war. We were proud of it.

Now these objectors to the treaty, digging around underground, have made the awful disclosure that we were unconstitutional when we adopted that treaty and we have been unconstitutional during the century of its existence in maintaining it: Now, my understanding is that precedent in construing the Constitution should have great influence. Here we have a precedent of one hundred and two years establishing the right of the treaty-making power to include the limitation of armament in the treaties it makes with other countries. I ask you how serious that objection is to the limitation of armament for constitutional reasons.

Article X

So much for the first step forward towards peace in the treaty. The second is in Article X. What is Article X? By that, the members of the League undertake to respect and preserve against external aggression the territorial integrity and the existing political independence of all the members of the League. What is it in effect? It is a union that forces the world to maintain inviolate the international commandment, "Thou shalt not steal." That is all it is. It is the embodiment of the declaration with which we went into this war, that the war was to make the world safe for democracy; it was to destroy the militarism of Germany and to produce a condition in which democracies might pursue the happiness of their people without exhausting their energies in making preparations to resist robber nations who would carry out the principle that Might makes Right. I know this is denied, but that was the purpose of the war and that is the basis on which we went into it. At least that was the whole tone of every argument and address in every patriotic meeting that I attended or ever heard of. That is what carried the soldiers to the other side. That is what spurred them up to their grand record on the other side and this Article X is nothing but the embodiment of that principle and it is a refutation of the principle of conquest on the part of Germany.

Senator Beveridge thinks we ought not to give up the power of conquest because we have improved the world so much by conquest heretofore. We took Mexican territory and substituted Americans for Mexicans and that improved the world. Well, I do not say that war has not advanced civilization incidentally and in a way. It has. But I am going to say that we have reached a stage in the history of the world when we

have got to stop advancing civilization that way or there will be no world. The next general war will be more destructive than this, as much more than this as this was more so than the last war. The developments that were made on the improvement of machines for destroying men and blowing them up were not given full scope in the last year of this war. If it had continued, the destruction would have been frightful and the next war, if it comes on, will be in the nature of a world suicide. Now do I have to argue against the proposition that it is not worth while to kill one-half of the world in order that the other half may get on? Isn't there some other means of advancing the civilization of God? If Mr. Beveridge's view of it is correct, we ought to sit down and write a note to Germany and say, Take back your Kaiser and go on with your war. Because Germany's plea was exactly that of Senator Beveridge. They said they were improving the world. They said they invented kultur; they had a patent on it but they were willing to license it to God in his work of advancing civilization on condition that it should be done through the machinery of the German army. That is all. If you shut your eyes and consider William Beveridge's proposition, you will see a label on it, "Made in Germany." So I will pass on from that. If you think with Senator Beveridge, I cannot argue with you and you can't argue with me. We will just part peaceably.

Will Not Breed Wars

The next argument against Article X is a formidable one. It is one that is used by most of the objectors to the League in order to appeal to the women of the country. They realize that the women are more sensitive to war than men. They realize that the memories of women are longer than men's, that men are thicker skinned. Women do not forget the midnight vigil; they do not forget lying awake worrying and anxious over their dear ones exposed in war,—they are no jingoists. They are in favor of peace, and they are sincerely in favor of the League as a means of trying whether we cannot maintain peace and avoid war. So these objectors to the League seek to reach them with the argument that this League and Article X will involve us in more war than if we didn't have them at all. Now, is that so? It is said that we are going into constant wars, little wars all over the world, remote,—and that our boys are to be summoned and sent to remote quarters for the purpose of suppressing wars between countries in whom we have no legitimate interest.

In the first place, that is not the way it will work even if we have

those wars. The Council is to prepare a plan and advise the means of preparing obligations under Article X. While the Council can not compel the nation to comply with their plans, the report of the Council will be a reasonable limitation upon the obligations of the nations which they may themselves honorably and sincerely adopt. We have a member on that Council; therefore, we can be sure of a reasonable plan and that reasonable plan must necessarily involve a reasonable distribution of the burdens of the obligations of Article X. It would be reasonable, therefore, to limit the activities under Article X for any small war of this kind between one nation and another,—(a bullying nation picking on a small nation in Asia) to the Asiatic government, or those who have the convenient forces there, if military force is needed. And so, too, with the European countries, the policing of that country, if necessary, would primarily fall under such reasonable plan, upon the European nations. And so with us in the Western Hemisphere. The policing of this Western Hemisphere would naturally fall to us. It would be in accordance with the view of those who are most sensitive to the subject of the extent of the Monroe Doctrine.

Now this suggestion is directed to the argument that we will have a constant series of small wars. If we have a general war, I don't need to make the argument because if we have a general war, or large enough so that if the conflagration spreads, it must be a general war, then we want to get into that war "with both feet" as quickly as possible; because as we look back upon this war—and without criticising anyone, we realize that it would have been a great deal better if we had gone in originally and that the war would have been ended much more promptly.

Withering Effect of Boycott

But, secondly, if the League operates as it should operate, there will not be these small wars which are suggested as a reason why we are going constantly to need an army and be constantly engaged in war. Why not? In the first place, when any such war is begun, under Article XVI all the nations of the world are under immediate obligation to levy a universal boycott against the outlaw nation. They put a Chinese wall around that country. They shut off all food supplies,—all supplies of raw material; they refuse a market to any product of the country that is beginning the war and must have the means of continuing it. We cut off all business relations of every sort; we do not pay any debts that we owe them; we cut off the cables and the postal facilities and we sever diplomatic relations. We subject them to a withering isolation—such an isolation as no

country except the United States and one or two South American countries can possibly stand without starving. I beg you to consider that, the wonderful penalizing operation, the beautiful penalizing operation of such an organization as the universal boycott. What nation will like to come up against that kind of boycott? How much of a war will it be able to carry on when no neighbor can furnish anything in the way of food and raw material, when it cannot get money for anything that it produces. That in itself and the prospect of it will prevent the nation from going to war. And then if the boycott does not work effectively, then the forces of the neighboring nations will be called in to assist that operation and suppress and inflict a penalty of military destruction upon that nation.

I say, no nation—of course I mean after the stabilization of the condition of Europe today—that is so fluid and chaotic that there will have to be attention to that before we can say that the normal situation is restored. But I mean when peace is restored, the operation of the League is going to prevent the occurrence of any such war. You say that is only reasoning. But the reasoning is thoroughly good, and it is based on human nature. It is the minatory, threatening, cautionary effect of the penalties of the League that are expected to work to prevent war. That is the normal operation of the League. That is the reason why we go into it, not to fight wars, but to have the nations understand that *if* they fight wars, then we do. We fight not for lawless violence or greed of possession, but we fight with lawful force to overcome lawless violence on the same principle that we use the police force in domestic communities.

Monroe Doctrine

Now you say, that is *a priori*. It is. But if you go back in your own history you have an illustration that ought to *a fortiori* demonstrate this. In 1823 the Holy Alliance, consisting of the great powers of Europe except Great Britain, indicated a purpose to come over here and overthrow the nations which had revolted from Spain, and which we had recognized. Canning of England was greatly troubled about it. Thomas Jefferson was consulted and he advised uniting with England to prevent it. John C. Calhoun did so. But Monroe and Adams conceived the declaration of the Monroe Doctrine and put it into the message of Monroe of that year. The doctrine was merely the application of the principle of Article X to the aggression of European nations against the territorial integrity and political independence of American nations. It announced that if any of those nations came over here to take the territory or overthrow the independence

of an American nation, they would have to fight not only that American nation, but the United States as well. Now the Senate was opposed to it and Congress was opposed to it and Thomas H. Benton made the speech of his life against it. The bitterness was greater then than it is today against the League, and the argument was that it would involve us in so many ways that it would destroy the country. Nevertheless, the doctrine was issued and what has been the result? That is ninety-six years ago, and that doctrine has been maintained inviolate ever since, without our engaging in war on account of it and without firing a shot or losing a man. Just because we threatened.

There was one instance of a violation that was an exception but it is the exception that proves the rule. During the Civil War when our hands were tied so that we could not act and could not maintain the threat, then Napoleon III, that fakir Emperor of France, sent troops over here to Mexico and set up the Empire of Maximilian. He did it for three years against our protest, but we had no means of resisting. Then Appomattox came and we sent Sheridan with thirty or forty thousand troops to the Mexican border, and the interest of Napoleon in Mexico ended and he withdrew his troops, and the empire of Maximilian passed and he was tried and shot, and the independence of Mexico was restored. That shows the Monroe Doctrine has been maintained by the threat of the United States with the power to back up that threat. The minute that the power was taken away, the minute it was seen that the United States could not act, then the greedy nations of Europe came over here—and they had been greedy all the time for colonization in other countries than in America. If that be the result of a threat of one nation which has not the power of imposing the universal boycott, what must necessarily be the result of the union of all nations within the League, beginning with the universal boycott, with its withering isolation and destructive character? I say; no nation will court such disaster. The League becomes effective by its minatory character and its overwhelming power. These features of the League will take away the necessity for the actual exercise of force.

That is the second great step.

We Can "Agree" to Make War

I don't know whether I ought to stop to argue the question whether we can agree to make war or not. It is said we cannot agree to make war because congress has to make war. Of course congress has to declare, to make, war, but we can agree in advance that under certain conditions we will make war. We have done it. We guaranteed the integrity of Pan-

ama. Isn't that Article X? Was that unconstitutional? That was in 1902. Has anybody been heard to say that was unconstitutional? We guaranteed the integrity of Cuba; we guaranteed the integrity of other nations long before Panama in connection with the Canal. Isn't sauce for the goose, sauce for the gander? Why should it be necessary to lug in these imponderable constitutional arguments when precedent shows that they have no weight at all? So I am not going to waste time in pausing to make a further answer.

Then the third step forward is that which provides for the settlement of differences peaceably. That provides, if two nations have a difference, they shall arbitrate and the nations covenant to abide the arbitration. Then there is a specification in the words of Mr. Root as to what steps are arbitrable: The violation of treaties, international law, questions of international law, and facts needed to establish rights under treaties or international law. There is a provision for the organization of a court and the provision that an arbitration of the council may call for the advice of the court when organized and that the court may be used by voluntary submission as a tribunal for decision. For the decision of cases between states there is no obligatory provision as to arbitration, but if nations should disagree about arbitration then the question goes as of course for mediation by the council and if the council is not satisfactory, either party may ask that the assembly mediate. The duty of mediation consists first in trying to get the parties to agree, hearing the case just as a court would hear it, and ultimately if they cannot get the parties to agree, making a recommendation of settlement,— and if the recommendation of settlement is unanimous then it is the basis for a settlement in this form: The nations covenant not to make war until three months after the award or until three months after the recommendation of settlement and *not then* if the nation against whom the award has been made or the settlement recommended complies with the award or the settlement. In other words it is eminently drawn for the purpose of restraining the aggressive nation and limiting it to the remedies allowed by the recommendation of settlement of the nation against whom that recommendation is made complies with the settlement or the award.

If there is no compliance with that unanimous settlement, then the nations are to do nothing. There is nothing said as to the performance of that recommendation—I mean the compulsory performance of it, but the nation seeking it is allowed to pursue such remedies as it may see fit. In other words it can go on with the war, fight with that nation against whom it has a judgment, so to speak, and use that means of compelling it. But

the other nations are under no obligation to act and there is no mention of their doing anything. There was such a suggestion in the first covenant but that has been now omitted.

Let's Get What We Can

That is not a complete and perfect plan for the settlement of differences. I could have drawn a better plan, I think; doubtless all who hear me could have drawn a better plan; but I was not invited to and neither was anybody else. This was a result of the conference of fourteen different representatives. It does grate me somewhat and I submit I have a right to object, from a personal standpoint, to find gentlemen who opposed the universal arbitration treaties—and who opposed the League of Nations recommended by our League to Enforce Peace in which there was a specific plan for the hearing of justiciable cases and machinery for determination of justiciable cases and bringing the nations in to abide judgment in such cases—to have these gentlemen that defeated those particular things or opposed them, now criticise this League because it does not contain those things that they opposed. I am in favor of getting what we can. I believe as we go on, if we get our foot inside the door, we shall open it up, and with the power of amendment of the League, we can so amend the League, as the Constitution was amended, that we can perfect its operation if we all go in sincerely to make it work. If we do not find sincere coöperation, then we can get out of the League on two years' notice; but here is the great opportunity to get a boon for mankind and to help this nation and the world,—and now are we to stand on mere technical objections, filed with all the meticulousness of a lawyer with a desperate case before the Supreme Court. That is not the spirit with which we should approach a great issue like this, affecting human kind.

A Chance for Public Opinion

Even if this is not war proof, as we admit that it is not, it provides a *locus penitentie* for the parties in the hearing of the case when they all covenant to restrain war for three months after judgment. It provides for the operation of the public opinion of the world through the agencies of the League in knocking the heads of the parties together to see if they cannot come to some voluntary agreement. It enables the people of each nation to understand the attitude of the other quarreling nation and with the suggestion by recommendation as to what the right or wrong of the issue is, most threatened wars will be settled. That some wars will follow

I shall not propose to deny ; I am not here as a vendor of quack medicines, with sure-cures ; I do not think that appeals to the confidence of people ; certainly not to lawyers. I feel in that respect, if I may use a somewhat undignified illustration, as in the case of the announcements of the hair elixir in which I have considerable interest these days, which terminates—after describing the glossy, curly result that will come from its application—“but it must be noted that we do not guarantee to cure a *shiny*, bald head.”

Proponents of this League do not guarantee the abolition of war, but they say it will work in most cases and that if it does, the enormous value of the result justifies the sharing of the burdens with other nations of the obligations needed to bring it about.

Open Diplomacy

The fourth great step forward is open diplomacy. Heretofore many important treaties have been secret, especially those of offensive and defensive character promising war. Now they are all to be open. Now they are to be spread in the secretariat of the League, just as the deeds of titles to land in the community are filed in the Recorder's office. So when you go to deal with a nation, you can go to the secretariat of the League and find all the obligations that are binding against that nation. In the past, these secret treaties have led to difficulties and often to war. The Triple Alliance was a secret treaty ; the Entente between France and Russia was a secret treaty ; this London Pact over which they are having such a fuss in respect to Fiume and the Dalmatian coast was a secret treaty. Now all that is to be abolished. Every one is to be “in on the ground floor.” Straightforwardness is to be introduced into diplomacy. We are to play the game of diplomacy with the cards face up on the table.

That makes the four great steps. Now, my friends, here they are :

First:—The reduction of armament to such a point that everything will be defensive instead of offensive.

Second:—The guaranty against stealing and territorial independence, backed up by the pressure, economic and military, of the world.

Third:—The settling of differences peaceably. The reconciliation of parties and their mediation and the explanation of their issues, to draw down the public opinion of the world.

Fourth:—Then, open diplomacy.

With these four great steps, we have every reason to hope that war will be pushed into remoteness. United—they make the greatest step for-

ward ever taken by the world in the interest of mankind to avoid the scourge of war.

Covenant and Treaty Inseparable

It is said that we ought to make the treaty of peace and then separate the League and consider that at our leisure. I don't know whether you have followed—I have no doubt you have—the arguments against the League. If you have and have seen the manifestation of any sense of responsibility of those who have objected to the League for the execution and carrying out of the treaty of peace, you have seen more than I have. I have not seen a single argument based on the view that the peace treaty presented any trouble or any problem at all. Now let me suggest some difficulties.

The first one is that we are said to have overthrown Germany. We have destroyed her military power, it is said. Yes, but we have not destroyed Germany and we have not destroyed her spirit—at least if we can judge by circumstances, she is still in many regards unrepentant.

We have limited her armament to two hundred thousand men, to be reduced in a short time to one hundred thousand; the destruction of certain fortifications; restriction upon her manufacture of ammunition and arms, of submarine and aeroplanes. She is forbidden to resort to conscription and there are a number of other restraining provisions, and their effect must last for ten or fifteen years.

Do you think that if we went away and left our treaty and trusted only to M. Clemenceau to write a note to President Ebert, inviting his attention to the obligations of Germany under the treaty and asking Germany politely to comply with them, that we could enforce that treaty? Do you think Germany is in that condition of mind? If you do, you are greener than the fields of corn that we like to look on now. You have got to enforce that treaty by power and power behind it, the same power that won the war, or the treaty won't be enforced. How are you going to get the power? You are going to get it only from the League of Nations that dictated that treaty, who are the nations that declared war against Germany and many of them carried it on. That is the only way. And when you have the foundation of a League of Nations brought about by the force of circumstances, you have got the beginning of a new institution in the world.

How Institutions Grow

Leagues do not grow out of conventions of college professors. I have attended those conventions. I am a college professor. I know. You go and discuss such a plan and the discussions are valuable; you print your

speeches if you have the money and circulate them if you have the money and your friends take them and put them in a pigeon hole for future reference. They are not drawn out again until the circumstances require a consideration of that as a practical solution of a real situation. That is the way that most institutions are brought into the world. The circumstances make it necessary. It is like a house beginning with a small family that is increasing and every time they need a room, they put on an "L." It does not add to the architectural beauty of the house but it has this advantage—that every part of the house was put on for practical use at the time it was built. And this is the way the British constitution was built. The Habeas Corpus Act and all other adjective processes making the bill of rights were introduced into the British constitution to meet an existing and pressing abuse.

That is the way institutions that are permanent in the world are created. That is the reason this League of Nations will be created, by the force of circumstances, that required it. You cannot get along without it.

I do not refer to a league of world nations, but I mean the League of Nations that is engaged in enforcing this treaty. The first thing is to keep Germany on her knees, to keep her in that graceful, useful posture until she brings forth works meet for repentance. Then we can take her into the League and give her the same treatment that other nations have. But we have got to maintain the power to keep that status until the time comes, and you can get no such power without the League of Nations.

Read Senator Lodge's speech made shortly after the armistice, describing what the peace was that had to be made. It is a luminous exposition. You can leave out the latter part where it argues against the League of Nations because that was academic. There was no covenant at the time. But take up that exposition and you will see how the treaty shaped itself reasoning from the armistice and its terms, and following the principle of self-determination. There are four independent, strong, powerful states, if they are allowed to develop, Finland and the Baltic provinces, Poland and Ukrania which are created between Russia and Germany. What for? For strategical purposes—to keep Germany out of Russia. She has been trying to get in there for years. She forced that treaty of Brest-Litovsk for the purpose of taking over Russia. These nations are created for the purpose of keeping her out.

Then she had a dream of a Central Empire, of all the central countries of Europe down to the Bosphorous and then across in Asia Minor, uniting

all that empire with a steel bond of the Hamburg-to-Bagdad Railway and the Persian Gulf. That is to be interfered with. How? By the creation of the Czech-Slovak state and of ten million Slavs of Bohemia, Moravia and Slovakia, which is a way station in Germany, on that railroad. That, with the Jugo-Slav state carved out of Southern Hungary and Southern Austria as they were, and Herzegovina, Bosnia, Croatia, reaching to the Adriatic, that is another block to the Central Empire. Then comes Transylvania, which contains more Rumanians than Hungarians, it is taken from Hungary and added to Rumania to make another block in the plan. Then we come to Constantinople to be under the League, to be administered for all the nations of the world and to keep open the straits between the Black Sea and the Ægean Sea.

New Nations Must Be Stabilized

And that bird, that lame, sick bird, Turkey, is to be eliminated from Europe. Her legs and wings and breast are to be cut up into autonomies, the autonomy of Palestine, the autonomy of Armenia, the autonomy of Syria, the autonomy of Arabia, and the autonomy of the Caucasus and the autonomy of Mesopotamia. If you count them over, you will find a dozen nations independent of the old empires created. They are for the strategic purpose of keeping the Central countries from again conspiring against the world. But that condition has to be stabilized. It is fluid now. There is a chaotic condition there and there must be some power to stabilize it. Treaties are to be as long as the moral law. The differences which will arise between them are myriad. Somebody will have to settle those differences. Somebody will have to see that the settlements are authoritative. Some power must exist to back up those settlements or else you will have confusion worse confounded and more war than ever before.

Then, over and above all is the spectre of Bolshevism that comes from Russia, militant Bolshevism, that awful doctrine, that doctrine that would overturn everything that is decent in society, that doctrine that Lenine announces is legitimately manifested in the dictatorship, whilst the Proletariat of two hundred thousand succeeds the dictatorship and lordly landowners of one hundred fifty thousand to rule over one hundred eighty millions, only distinguished from the former dictatorship "because it is in the interest of the masses," secured by force, secured by the suppression of every individual right, the right of free speech, the right of the free press, and secured by compulsory labor.

Read John Spargo, the Socialist; the description by Lenine himself of Bolshevism and see what a terrible force it is. Mass murder and other pleasant circumstances are there as instances of the government, and it is militant. The properties they are plundering they use to pay the Red Guards to spread unrest and the force which is to overthrow all society, and they have gotten into Hungary; they are pressing again into Germany; they have pressed into Bavaria and they are pressing into Vienna. Nowhere is there unrest that they do not seek to take advantage of it. There is soil for Bolshevism in France and Italy and Great Britain.

Isn't it to our interest to uphold modern society? We do not fear Bolshevism in this country—perhaps—unless Europe becomes Bolshevik, unless England and the rest of them become Bolshevik and then it will be a real threat.

Our Free Institutions Misunderstood

The spirit of our free institutions prevents: Take these little concentrations of loud-mouthed anarchists and socialists and bolshevists; they are misled as to the character of the American people. They do not understand our tolerance; they do not understand our traditional desire for freedom of speech, so that it irks us to have any restraint or punishment for it. When they stand on barrel heads and announce their theories in foreign languages to their various followings, and the speeches are translated, and nothing is done to them, they think everybody acquiesces. They do not understand our spirit which is—and I think it is a sanitary method—that the best way to get rid of a bad smell is to let it evaporate into the air. If you will read Kipling's "American Spirit," you will see how he understands it. If Bolshevism persists here there will be a reaction that will be ruthless in its severity and this will make a deep impression on those who survive. Nevertheless, it is our duty to see that it does not get any further. Through the League of Nations we must stabilize modern society and retain that which we have been two thousand years fighting to protect, to stabilize the guaranties of Liberty—life, liberty and the right of property. It is idle to call the Lenine government a democracy when he drove by force the selected representatives of Russia, elected by universal suffrage under careful registration of all men and women of Russia. It was found that the Bolsheviks have a very small minority. That was enough for them to summon the Red Guards and drive the delegates home and close forever the Assembly during their power.

Are We Quitters?

Now, my friends, don't we owe it to Europe, don't we owe it to ourselves, don't we owe it to the world to establish a league of nations, which will stabilize what is worth having in our civilization? Are we quitters? Are we slackers? Are we going to fight the battle in the field and leave the peace which represents the fruit of our effort, which represents the justification of our sacrifices, to go as meaning nothing? Or are we going to stand up and with the tremendous power that God has given us, as the most powerful nation of the world, with resources beyond compare, with people of the highest average intelligence of one hundred million or more, and the military potentiality that we demonstrated on the fields of Belgium and France—are we going to allow that great power to operate in no way in the settlement of this great war in which we took an honorable part? Are we going to run away from it, saying as one statement was made, "We have licked the Huns, and now you clean up the mess." Isn't that a grand vision of the situation?

If you believe that the objections to this League are real, if you believe they are fair, that the boon that the League offers does not justify the endangering of the nation and assuming that risk, then it is your duty to use your influence against the ratification of the League. But if you feel as I do that this represents the greatest possible step forward to save civilization, then you will use your influence with your senators and notify them to support the League. But what I urge you to do is to purge your minds and souls from unworthy considerations in reference to the issue. Take it upon its merits. If, because you do not like Mr. Wilson, or don't like that administration, or don't like the democratic party—any more than I do—and think it may redound to the credit of that party and so oppose the League, then you are acting from unworthy motives, irrelevant and incompetent to any such issue.

I am a Republican and hope to live and die a Republican. No matter whether they read me out of the party or not, I can vote the Republican ticket.

Meaning of Parties

Now I believe in parties. A party is essential in popular government to interpret the will of the majority. A party is an organization in which the members agree on general principles waiving minor differences. They select their candidates and adopt their platforms representing those prin-

ciples. Then they invite the support of the people, and if a majority of the people support the party, it carries out the will of the majority. That is the only way you can interpret the will of the majority into governmental action. That is what popular government is. But there are certain issues that arise above party, that transcend all parties and all party triumphs that are merely temporary. Those issues usually grow out of something very fundamental. This issue is as fundamental as the Declaration of Independence, the constitution of the United States or the issues of the Civil War. And speaking of the Constitution, I beg of you to go back and read the discussions on that instrument, and see how much it was abused and what dangers were anticipated in working it out. By great men, too. Men who, if they were alive today, would be glad to wipe out what they said about the Constitution.

With this issue so transcendent, an issue that grows out of the international relations, we may well say that when we step across the frontier, when we go down beyond low water mark and confront the nations of the world, we stand neither as Democrats nor as Republicans, but as Americans.

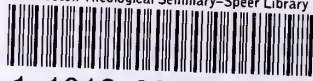
My friend, suppose you were a Senator, or suppose you had a power to influence a Senator and you influenced him against the League. Suppose the League came in and it worked those benefits that we believe it will work and twenty-five years later, after that had been demonstrated, your grand-son should come up to you and say, "Grand-dad, why did you vote against the League?" Suppose you are a man who voted against the League because you hate Mr. Wilson—men have told me that they hated Mr. Wilson and so they were going to vote against the League. I said to one the other day, "My dear Sir, don't you see how utterly illogical and absurd you are? Why, you are allowing yourself to be influenced by a man whom you hate, to oppose something you would otherwise support. Just think, you magnify and allow your personal feelings towards him and his influence upon you to be so great that you do not examine the merits of a question which concerns your country and the world." Now when this grand-son of yours, twenty-five years from now, should come up to you (and you had voted against the League because you hated Wilson) and when he should ask you in the light of the beneficial operation of the League, "Grand-dad, why did you vote against the League?" What will you tell him? You will do one of two things; you will either say, "Run away, Grand-son, you do not understand those issues" or else you will lie about it.

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